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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,516	07/29/2003	Masaru Kitsuregawa	500.42993X00	5088

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EXAMINER

COBY, FRANTZ

ART UNIT PAPER NUMBER

2161

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/628,516

Applicant(s)

KITSUREGAWA ET AL.

Examiner

Frantz Coby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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This is in response to application filed on July 29, 2003 in which claims 1-18 are presented for examination.

**Status of Claims**

Claims 1-18 are pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Mohan et al. U.S. Patent no. 5,280,611.

As per claims 1-3, 9, 10-11, 17-18, Mohan et al. disclose "A disaster recovery method in which at occurrence of a failure in a primary database processing system, database processing is continuously executed by replacing the primary database processing system with a secondary database processing system" by providing mechanisms for efficiently recovering data from failure of a shared store in a multi-computer data sharing system including the shared store, stable data storage, and a plurality of independently-executing, transaction-oriented database systems of the write-ahead logging type which are connected to the stable storage and to the shared store

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and which use the shared store for trans-system data caching. It is a related object to put forward a method that utilizes the transaction log data of the individual DBMS's to bound recovery of data in the shared store (See Mohan et al. Col. 3, line 65-Col. 4, line 9). In particular, Mohan et al. disclose --receiving access request--; --determine whether the access request is a write request or read request --; -- determine whether the write request are log information indicating contents of a database -- (See Mohan et al. Col. 9, line 47-Col. 10, line 29); -- determining whether the access request is a read request -- (See Mohan et al. Col. 10, lines 30-Col. 11, line 7); -- converting position information indicated in the log information into physical position information in the primary storage unit --; --modifying data in a database area of the primary storage unit and transmitting the access request to a storage unit of a secondary system—(see Mohan et al. Col. 9, lines 23-56). The Applicant should duly note that in Mohan et al. the conversion is achieved through the procedure for writing a page (position information indicated in the log information) in the share storage (physical position information) since when the write request is executed and stored, the requested log information is transformed from a logical information to a physical information in the storage unit. As to -- a control processing portion for receiving an access request — Mohan et al. provides mechanism for controlling a write request or a read request (See Mohan et al. Figures 4-5 and corresponding text).

As per claims 4-8, and 12-16, most of the limitations of these claims have been noted in the rejection of claims 1-3, 9, 10-11, 17-18. Applicant's attention is directed to

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the rejection of claims 1-3, 9, 10-11, 17-18 above. In addition, Mohan et al disclose the claimed features of -- determine whether or not log information received according to a preceding write request received before the access request includes log information to modify data as an object of the read request; and modifying, when the log information thus received includes log information to modify the data of the read request, the data of the read request according contents of log information --; --modifying the data using log information selected from the log information; modifying the data of the database are for each physical device-- (Figures 7-8; Col. 11, line 32-Col. 12, line 2); --transmitting a write request of log information and access request-- (See Mohan et al. Figures 4-5 and corresponding text).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 571 272 4017. The examiner can normally be reached on Monday-Saturday 3:00PM-10:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571 272 4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 19, 2005

*Frantz Coby*  
**FRANTZ COBY**  
**PRIMARY EXAMINER**